

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 22712 of 2007(D)

PETITIONER:

N.R.RAMASWAMY, S/O LATE RAMESHAN,
AGED 53, RESIDING AT 24/437, NEW STREET,
NOORANI, PALAKKAD.

BY ADV. SRI.S.SREEKUMAR
SRI.P.MARTIN JOSE

RESPONDENTS:

1. THE SUPERINTENDENT OF POLICE,
PALAKKAD.
2. THE CIRCLE INSPECTOR OF POLICE,
PALAKKAD SOUTH POLICE STATION,
PALAKKAD.
3. THE NOORANI PLAY GROUND SAMRAKSHANA
SAMITHY, REPRESENTED BY THE SECRETARY AND
PRESIDENT NOUSHAD, S/O LATE SAIDU MOHAMMED,
20/208, HUDANAGAR, PUTHUPALLY, THERUVU,
NOORANI P.O.
4. SAIDALI, S/O VEERA SAHIB,
FAIZAL HOUSE, PULAI PARAMBIL, NOORANI,
PALAKKAD.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING

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WP(C) NO: 22712/2007 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT IN OP NO. 38465/2001 DT. 11/1/2002.

EXT.P2. COPY OF THE JUDGMENT OS NO. 187/02 OF SUB COURT, PALAKKAD DT. 31/5/2006.

EXT.P3. COPY OF THE DECREE OS NO. 187/02 OF SUB COURT, PALAKKAD DT. 31/5/06.

EXT.P4. COPY OF THE JUDGMENT IN AS NO. 131/06 BY THE DIST. COURT, PALAKKAD.

EXT.P5. COPY OF THE JUDGMENT IN RSA NO. 505/07.

EXT.P6. COPY OF THE REPRESENTATION DT. 21/07/07 BEFORE THE R1 WITH COPY TO R2.

RESPONDENT'S EXHIBITS NIL.

True copy

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.22712 of 2007-D

Judgment

Balakrishnan Nair, J.

The petitioner is the owner of one acre and 83 cents of land in Palakkad-I village. A school was being run in the said property. Now, the school building has been demolished and the petitioner proposes to develop the land. While so, the respondents 3 and 4 caused obstruction to the development of the property on the allegation that they were using the land as a play ground for quite some time. The petitioner approached this Court, by filing OP No.38465/01 seeking police protection for the said property. He was relegated by this Court to move the civil court. Thereafter, he filed OS No.187/02 before the Sub Court, Palakkad, seeking permanent prohibitory injunction against respondents 3 and 4 and two others, from trespassing into the plaint schedule property and causing any obstruction to the petitioner in enjoying the same. The suit was decreed. It was affirmed in appeal and second appeal also. The petitioner submits, even now, the said respondents are attempting to trespass

into the property and trying to use it as a playground. So, he has filed Ext.P6 representation before the Police, seeking protection to the property. In essence, the prayer made before the Police is to prevent the violation of the injunction granted by the civil court. We feel that no law authorises the Police to go into the alleged violation of an order or decree of the civil court. But the petitioner relies on the decision of the Apex Court in **P.R.Muralidharan v. Swami Dharmananda Theertha Padar** (2006(4) SCC 501). We have gone through the decision. But, the said decision does not lay down that if there is any allegation of violation of injunction, it is for the Police to look into it. In this case, if the injunction is violated, the petitioner can move the civil court for executing the decree. If the alleged violation is found correct, the civil court can address the Police also to enforce the order of injunction granted by it. In this jurisdiction, we are concerned only with the failure of duty from the part of the Police. We have not been told about any statutory provision, which authorises the Police to look into the violation of injunction granted by civil courts and

remedy the same. Accordingly, the Writ Petition is closed without prejudice to the contentions of the petitioner and his right to approach the civil court for appropriate reliefs.

K.BALAKRISHNAN NAIR,JUDGE

14.09.2007

T.R.RAMACHANDRAN NAIR, JUDGE

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